

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M No.13076 of 2020 (O&M)
Date of decision:21.09.2020**

Lakhwinder Kaur @ Simran

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Dheeraj Mahajan, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.30, dated 08.04.2020 registered under Sections 306 and 506 of IPC at Police Station Sadar Gurdaspur, District Gurdaspur.

After hearing the parties, this court passed the following order

on 24.07.2020.

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner has submitted that Randeep Kumar had committed suicide on 08.04.2020. FIR was lodged against the petitioner on the statement of the wife of the deceased wherein it had been alleged that the deceased was being pressurized by the petitioner to leave his wife (complainant), minor child and get married to the petitioner. A suicide note was produced by the brother of the deceased on 14.04.2020, which has been sent to the FSL on 16.06.2020 and the report is still awaited. The petitioner is behind bars since 09.04.2020.

Counsel for the State, on instructions from ASI Ravinder Singh, submitted that the challan was filed on 05.06.2020 and the case is fixed for framing of charges for 03.08.2020. She further submitted that the FSL report is likely to be received within a period of four weeks. State counsel has argued that in view of specific allegations against the petitioner in the FIR, she does not deserve the concession of bail.

Keeping in view the fact that the FSL report is still awaited, the petitioner is ordered to be released on interim bail on her furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Area Magistrate, subject to the condition that the petitioner would be

required to surrender after the receipt of report of FSL.

Adjourned to 08.09.2020.”

Pursuant to the receipt of the FSL report, the petitioner surrendered before the trial Court on 11.08.2020. Copy of the order passed by the trial Court has been filed by counsel for the petitioner and the same is taken on record.

In his report, Annexure P-6, the forensic expert has opined as under:-

“2. It has not been possible to express any definite opinion regarding the common authorship or otherwise on the red enclosed questioned signature stamped and marked Q2 in comparison with the red enclosed standard signatures similarly stamped and marked A4 to A13. More suitable and sufficient admitted signatures of the person concerned in “English” already existing on some documents and near about the period of questioned signature stamped and marked Q2 are required for thorough scientific examination and definite opinion.”

Counsel for the petitioner has urged that from the report, it is clear that the expert has not been able to give any definite opinion insofar as the signature of the deceased on the alleged suicide note are concerned. In addition, the counsel submits that the deceased was involved in two other cases viz; (i) FIR No.37 dated 22.02.2020,

P.S.City Gurdaspur registered under Sections 307, 379-B and 511 of IPC and Sections 25 and 27 of Arms Act. (The FIR was initially registered against unknown persons and the deceased was being interrogated by police since long and was arrayed as an accused on 09.04.2020); and (ii) FIR No. 22 dated 16.04.2018, P.S. Bhaini Mian Khan registered under Sections 294, 298, 153, 153-A, 115, 505 and 506 of IPC. He has referred to the reply filed by the State, wherein the pendency of both the cases has been admitted. His argument is that the possibility of the deceased having committed suicide because of his being under stress due to his involvement in the two criminal cases cannot be ruled out. Counsel contends that trial is likely to take long time due to the outbreak of Covid-19.

Per contra, State counsel assisted by Mr. Dheeraj Mahajan, Advocate for the complainant, have opposed the petition and they have argued that the suicide note was recovered from the personal diary of the deceased. According to the counsel, the portion of suicide note which is written in "Gurmukhi" script is in the handwriting of the deceased. Still further, it has been submitted that the challan was filed on 05.06.2020 and the charges are yet to be framed. State counsel has filed the custody certificate dated 21.09.2020, which is taken on record.

I have considered the rival submissions of the parties.

Keeping in view the fact that there is a probability that the deceased had put an end to his life because of being under mental strain as he was involved in two criminal matters, cannot be ruled out.

In view of this fact that the petitioner is a lady of 35 years of

age, the period spent by her in custody and the fact that the conclusion of the trial is likely to take time due to the spread of contagion, no useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Pending application, if any, also stands disposed of with this petition.

21.09.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No